

Legislative Rule-Making Review Committee
Minutes for Thursday, October 24, 2019

Senate Judiciary Committee Room
1:00 p.m. to 9:00 p.m.

Senate

Maynard, Chair	Present
Baldwin	
Jeffries	Present
Rucker	Present
Sypolt	Present
Weld	
Carmichael, Nonvoting	

House

Foster, G., Chair	Present
Butler	
Fleischauer	Present
Martin, P.	Present
Rowe	Present
Steele	Present
Hanshaw, Nonvoting	

The Legislative Rule-Making Review Committee met in the Senate Judiciary Committee Room at 1:00 p.m. on Thursday, October 24, 2019. The meeting was called to order by the Chair, Delegate Foster. A silent roll call was taken by the Clerk to establish a quorum, as reflected above. Staff present included: Mark McOwen, House Counsel; Jeff Johnson, Senate Counsel; Sarah Canterbury, Senate Counsel; Kip Reese, House Counsel; Cindy Dellinger, Senate Counsel; James Fuerhoff, Director of Legislative Rule-Making Review Committee; and Beverly Douglas, Committee Clerk.

The first order of business was approval of the minutes from the September 25, 2019 meeting. Senator Maynard moved to approve the previous minutes. The motion was adopted.

1. Mark McOwen, House Counsel, explained his abstract on the rule proposed by the **State Conservation Committee, State Conversation Committee Grant Program, 63 CSR 03**, and responded to questions from the Committee.

With leave of the committee, Brian Farkas, Executive Director, West Virginia Conservation Agency, addressed the committee and responded to questions.

On motion of Senator Maynard, the rule was approved as filed.

2. Mark McOwen, House Counsel, explained his abstract on the rule proposed by the **State Tax Department, Payment of Taxes by Electronic Funds Transfer, 110 CSR 10F**, and responded to questions from the committee.

On motion of Senator Maynard, the rule was approved as filed.

3. Mark McOwen, House Counsel, explained his abstract on the rule proposed by the **Department of Administration, Financial Services Reporting, 148 CSR 24**, and responded to questions from the committee.

With leave of the committee, David Mullins, Finance Director, Department of Administration, addressed the committee and responded to questions.

On motion of Senator Maynard, the agency agreed to modifications were adopted.

On motion of Senator Maynard, the rule was approved as modified.

4. Jeff Johnson, Senate Counsel, explained his abstract on the rule proposed by the **Insurance Commission, Medicare Supplement Insurance, 114 CSR 24**, and responded to questions from the Committee.

On motion of Senator Maynard, the rule was approved as filed.

5. Jeff Johnson, Senate Counsel, explained his abstract on the rule proposed by the **Insurance Commission, Credit for Reinsurance, 114 CSR 40**.

On motion of Senator Maynard, the agency agreed to modifications were adopted.

On motion of Senator Maynard, the rule was approved as modified.

6. Jeff Johnson, Senate Counsel, explained his abstract on the rule proposed by the **Board of Osteopathic Medicine, Osteopathic Physician Assistants, 24 CSR 02**, and responded to questions from the Committee.

With leave of the committee, Tony Gregory, Vice President, West Virginia Hospital Association, addressed the committee and responded to questions.

On motion of Senator Maynard, the agency agreed to modifications were adopted.

On motion of Senator Maynard, the rule was approved as modified.

7. Jeff Johnson, Senate Counsel, explained his abstract on the rule proposed by the **Board of Osteopathic Medicine, Waiver of Initial Licensing Fees for Certain Initial Licensure Applicants, 24 CSR 08**.

On motion of Senator Maynard, the agency agreed to modifications were adopted.

On motion of Senator Maynard, the rule was approved as modified.

8. Jeff Johnson, Senate Counsel, explained his abstract on the rule proposed by the **State Tax Department, Consumer Sales and Service Tax and Use Tax- Drugs, Durable Medical Goods, Mobility Enhancing Equipment and Prosthetic Devices Per Se Exemption; Motor Vehicles Per Se Exemption, 110 CSR 15C**.

On motion of Senator Maynard, the agency agreed to modifications were adopted.

On motion of Senator Maynard, the rule was approved as modified.

9. Jeff Johnson, Senate Counsel, explained his abstract on the rule proposed by the **State Tax Department, Exchange of Information Pursuant to Written Agreement, 110 CSR 50C.**

On motion of Senator Maynard, the agency agreed to modifications were adopted.

On motion of Senator Maynard, the rule was approved as modified.

10. Sarah Canterbury, Senate Counsel, explained her abstract on the rule proposed by the **Board of Hearing Aid Dealers, Consideration of Prior Criminal Convictions in Initial Licensure Determinations, 8 CSR 05,** and responded to questions from the committee.

On motion of Senator Maynard, the agency agreed to modifications were adopted.

On motion of Senator Maynard, the rule was approved as modified.

11. Sarah Canterbury, Senate Counsel, explained her abstract on the rule proposed by the **West Virginia Medical Imaging and Radiation Therapy Technology Board of Examiners, West Virginia Medical Imaging and Radiation Therapy Technology Board of Examiners, 18 CSR 01** and responded to questions from the committee.

With leave of the committee, Jamie Browning, Executive Director, West Virginia Medical Imaging and Radiation Therapy Technology Board of Examiners, addressed the committee and responded to questions.

On motion of Senator Maynard, the agency agreed to modifications were adopted.

On motion of Senator Maynard, the rule was approved as modified.

12. The rule proposed by the **State Fire Commission, State Fire Code, 87 CSR 01** was laid over to a future meeting.

13. Kip Reese, House Counsel, explained his abstract on the rule proposed by the **State Fire Commission, State Building Code, 87 CSR 04,** and responded to questions from the Committee.

With leave of the Committee, Ken Tyree, State Fire Marshal, addressed the Committee and responded to questions.

With leave of the Committee, Stacy Nowicki, General Counsel, Department of Military Affairs and Public Safety, addressed the Committee and responded to questions.

On motion of Senator Maynard, 87 CSR 04 was laid over to a future meeting.

14. Kip Reese, House Counsel, explained his abstract on the rule proposed by the **Division of Labor, Supervision of Plumbing Work, 42 CSR 32,** and responded to questions from the Committee.

Senator Maynard motioned to approve 42 CSR 34 as filed. Senator Maynard the moved to withdraw his motion.

On motion of Senator Maynard, the rule was approved as filed.

15. Kip Reese, House Counsel, explained his abstract on the rule proposed by the **Division of Labor, Regulation of Heating, Ventilating, and Cooling Work, 42 CSR 34**, and responded to questions from the Committee.

With leave of the committee, Elizabeth Farber, Assistant Attorney General, addressed the committee and responded to questions.

On motion of Senator Maynard, the rule was approved as filed.

16. Cindy Dellinger, Senate Counsel, explained her abstract on the rule proposed by the **Board of Acupuncture, Consideration of Prior Criminal Convictions in Initial Licensure Determinations, 32 CSR 16**.

On motion of Delegate Steele, the agency agreed to modifications were adopted.

On motion of Delegate Steele, the rule was approved as modified.

17. Cindy Dellinger, Associate Counsel, explained her abstract on the rule proposed by the **Board of Speech Language Pathology and Audiology, Licensure of Speech-Pathology and Audiology, 29 CSR 01**.

On motion of Senator Maynard, the agency agreed to modifications were adopted.

On motion of Senator Maynard, the rule was approved as modified.

18. Cindy Dellinger, Associate Counsel, explained her abstract on the rule proposed by the **Board of Speech Language Pathology and Audiology, Disciplinary and Complaint Procedures for Speech-Language Pathology and Audiology, 29 CSR 04**.

On motion of Senator Maynard, the agency agreed to modifications were adopted.

On motion of Senator Maynard, the rule was approved as modified.

19. Cindy Dellinger, Associate Counsel, explained her abstract on the rule proposed by the **Department of Health and Human Resources, Bureau of Public Health, Public Water Systems, 64 CSR 03**.

On motion of Senator Rucker, the agency agreed to modifications were adopted.

On motion of Senator Maynard, the rule was approved as modified.

20. Cindy Dellinger, Associate Counsel, explained her abstract on the rule proposed by the **Department of Health and Human Resources, Bureau of Public Health, Vital Statistics, 64 CSR 32**.

On motion of Senator Maynard, the agency agreed to modifications were adopted.

On motion of Senator Maynard, the rule was approved as modified.

21. Cindy Dellinger, Associate Counsel, explained her abstract on the rule proposed by the **Department of Health and Human Resources, Bureau of Public Health, Emergency Medical Services, 64 CSR 48**, and responded to questions from the committee.

With leave of the committee, Michael Mills, Medical Director, Office of Emergency Medical Services, addressed the committee and responded to questions.

On motion of Senator Maynard, the agency agreed to modifications were adopted.

On motion of Senator Maynard, the rule was approved as modified.

With no further business to come before the Committee, Senator Maynard moved to adjourn. The motion was adopted. The Committee adjourned at approximately 5:03 P.M.